



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Erin Engman, Associate Planner
Steve Koper, AICP, Planning Manager

DATE: November 9, 2020

SUBJECT:

Consideration of Plan Text Amendment PTA 20-0006 which would amend Tualatin Development Code Chapter 80-Cannabis Regulations. Proposed amendments would allow retail cannabis businesses to locate in both industrial and commercial zones. Additionally, the distance required between cannabis business to residential zones, schools, parks, libraries and each other would be reduced.

RECOMMENDATION:

The Tualatin Planning Commission recommends approval of the proposed amendments with additional recommend changes to locational standards that permit cannabis facilities. The Commission finds that permitting the retail sales of cannabis in high-visibility areas, such as the I-5 corridor or the Bridgeport area is not appropriate, and recommends a prohibition be placed on locating dispensaries within 2,000 feet of I-5 or north of Nyberg Road. The Commission also found a lack of community support to amend cannabis regulations based off public testimony received to date. They respectfully ask that Council remain mindful of land use planning efforts, as opposed to reactionary.

PROCEDURAL HISTORY:

- 2015: Ordinance 1379-15 establishes time, place, and manner regulations for cannabis facilities through Chapter 80 of the Tualatin Development Code
- September 16, 2020: City staff held a webinar to discuss potential changes to cannabis regulations at Council direction. Commentary received from the webinar found that many community members are not in support of amending Chapter 80.
- September 28, 2020: Webinar comments shared with City Council during work session. Council directed staff to proceed with subject amendment.
- October 15, 2020: Planning Commission passes recommendation to approve PTA 20-0006 (Amendments to Chapter 80) with additional changes to locational standards.

EXECUTIVE SUMMARY:

City Council directed staff to amend the cannabis regulations found in Chapter 80 of the Tualatin Development Code. These amendments are legislative in nature. A comparison of the existing code and proposed changes is found below:

Standard	Existing Code	• PTA 20-0006
<i>Reference</i>	<ul style="list-style-type: none"> • Marijuana 	<ul style="list-style-type: none"> • Cannabis
<i>Zones permitted in:*</i>	<i>All Marijuana Facilities:</i> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park 	<i>All Cannabis Facilities:</i> <ul style="list-style-type: none"> • Light Manufacturing • General Manufacturing • Manufacturing Business Park <i>Retail Sales & Medical Dispensary:</i> <ul style="list-style-type: none"> • Office Commercial • Recreation Commercial • General Commercial • Mid Rise/Office Commercial • Medical Center • Mixed Use Commercial
<i>Buffer from:</i> <ul style="list-style-type: none"> • Residential Zones • City Parks • Schools • Library 	3,000 feet	1,000 feet
<i>Buffer between Cannabis Facilities:</i>	2,000 feet	1,000 feet
<i>Limitations on Facility size</i>	Cannot exceed 3,000 square feet	None
<i>* The Planning Commission recommends that a prohibition be placed on locating cannabis facilities within 2,000 feet of I-5 or north of Nyberg Road.</i>		

If approved, the Plan Text Amendment would amend Tualatin Development Code Chapter 80. Approval criteria for a Plan Text Amendment, are found in TDC 33.070(5).

Compliance with Applicable Criteria

The Findings and Analysis, included as Exhibit 1, discuss the proposal in relationship to the criteria of: the Oregon Statewide Planning Goals; Oregon Administrative Rules; Metro Code; the Tualatin Comprehensive Plan; and the Tualatin Development Code. Based on these findings, all applicable objectives and criteria have been met.

Public Notice

- Notice of the proposed amendments was provided to the Oregon Department of Land Conservation and Development (DLCD). Notification of the upcoming City Council hearing was made consistent with Tualatin Development Code Section 32.240.

OUTCOME OF DECISION:

- Council approval of PTA 20-0006 would amend Tualatin Development Code Chapter 80 and the entirety of Code such that the word 'marijuana' is deleted and replaced with the word 'cannabis'. Council adoption of Ordinance 1445-20 would amend the Tualatin Development Code consistent with PTA 20-0006.

FINANCIAL IMPLICATIONS:

None identified at this time.

ATTACHMENTS:

- Exhibit 1 – Findings and Analysis for PTA 20-0006
- Exhibit 2 – Draft Chapter 80 Amendments for PTA 20-0006
- Exhibit 3 – Draft Siting for Cannabis Facilities
- Exhibit 4 – Planning Commission minutes from February 19, 2015

Exhibit 5 – Presentation